

Exhibit “B”

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JOSHUA OTWELL, an individual,)
DANNA LEE OTWELL, an)
 individual,)
)
Plaintiffs,) **Civil Action No.:**
)
 v.) **4:19-cv-01120-ACA**
)
HOME POINT FINANCIAL)
 CORP., a Corporation;)
)
Defendant.)

Affidavit of Danna Lee Otwell

STATE OF ALABAMA)
COUNTY OF Jefferson)

1. My name is Danna Lee Otwell. I am over twenty-one (21) years of age and am of sound mind. I have personal knowledge of the facts stated below.
2. This is to supplement and add to my original affidavit which I adopt in its entirety.
3. I am married to Josh Otwell in 2003.
4. We have lived together continuously and been around each other on a daily basis since we purchased the house the subject of this litigation in January 2015.

5. I have had the opportunity to observe my husband, Josh Otwell, throughout the events the basis of our claims against Home Point.

6. After making the required payments under the Trial Payment Plan (TPP), I remember when we received a FedEx envelope that contained a group of strange documents that included a Promissory Note and Partial Claim Mortgage that showed us as the borrower and the Secretary of Housing and Urban Development as the Lender, showed that we were taking out a loan in the amount of \$60,891.81, but did not tell us how much our monthly payments would be or when the monthly payments were due, but only showed a balloon payment due on or before February 1, 2045.

[Doc.26-10, p. 1-3]

7. I remember Josh's reaction was one of frustration, confusion and worry.

8. Since Josh and I have been married and after living with him for seventeen (17) years, I have come to be able to understand Josh and recognize when he is upset, worried, frustrated, stressed or experiencing other emotional distress.

9. I have observed that Josh tends to shut down or blocks things out that are stressful or cause him anxiety. He tends to internalize his feelings and emotions in response to extremely difficult and stressful situations and gets quiet and reserved.

10. He turns more inward and distances himself from others, including me and our girls.

11. I observed these reactions in response to getting the confusing information from Home Point in December 2018 and over the next few months of not being able to get answers from Home Point about what was going on with our loan and our home.

12. Josh was in fact was extremely upset, worried and frustrated about the situation. I observed this in his body language, his facial expression and the way he interacted with our family.

13. He withdrew from me and our daughters, isolating himself in our basement workshop tinkering with projects 2 or 3 hours a night during the week or spending hours working in the yard on weekends.

14. Our normal family routine would be to sit and watch a movie or TV series after dinner. This changed in December 2018 and continued for the next several months until we knew the foreclosure had been postponed after we filed the lawsuit.

15. These isolations became more and more pronounced the longer he dealt with Home Point and they would not give us an answer as to what they were offering and help us understand what it was and finally rejected us for a modification on February 19, 2019 and told us we were in default claiming that we owed approximately \$57,000 and that if we didn't pay, they were going to foreclose.

16. I also noticed during February and for the next several weeks that Josh became more and more depressed and hopeless about our situation. He has always been fairly

involved in our girls' events. For example, one of our daughters is a cheerleader and Josh missed several of her games because he said he didn't feel like going so he would just stay home. This was not like Josh to do this.

17. One of the ways Josh responds to situations that seem to be overwhelming or that seem dire like the prospect of losing our home is that he tends to gain weight.

18. I've have observed over the years that as he gets more stressed to the point of feeling overwhelmed or helpless, he will sometimes cope by stress eating and not working out and generally not taking as good of care of his health.

19. In the months that followed from Home Point's actions starting in December 2018 and through the spring, I saw Josh gain weight, what I later found out was approximately 20 pounds.

20. The stress worry and anxiety caused him to have difficulty sleeping from thinking about the situation and stressing and worrying about what he could do to save our home and what was happening.

21. Josh is normally a sound sleeper, while I normally wake up a lot and go back to sleep. Starting in December 2018 for the next several months I noticed that I would wake up and I would either hear Josh in the next room watching television or I could hear him next to me and I could tell he wasn't sleeping well. Sometimes I would get up and go into the other room to ask what was wrong. It would usually be the stress of the lack of information from Home Point or associated with having

received a threatening or confusing letter or direct communications from Home Point.

22. This occurred two or three nights a week.

23. Josh normally worked out early in the mornings before 5 a.m. between 3 and 5 days a week at a local gym in Trussville. He would be too tired to get up in the mornings after not having gotten much sleep. This contributed to him having little energy, depression and missing his workouts. It was just a domino effect of me observing his unnatural stress, his poor reactions to it, lack of sleep, lack of energy, feeling behind, etc. and then it would repeat the next day.

24. During this time, I recall several times when his alarm went off in the morning and he would say he didn't feel like he slept at all. I knew he had slept some but I also knew he was missing a lot of sleep because of what Home Point was doing to us.

25. During this time at night after dinner he started stress eating large amounts of sweets during this same time, sometimes a whole sleeve of Oreo cookies at a time.

26. I recall during this time period that he had to be put on medication due to high blood pressure from the stress, anxiety and weight gain.

27. I remember one event when Josh thought he was having a heart attack and we had to go to Grandview. It was not a heart attack but was some sort of stress related anxiety attack.

28. Home Point's actions also caused significant and ongoing marital strife between us due to the confusion over the status of the modification and their refusal to explain what was going on regarding the modification.

29. Home Point's repeatedly sending letters to us directly was extremely frustrating for my husband. He expressed frustration and worry at why they wouldn't communicate with our lawyers. This also caused further anxiety with him over whether this was being handled and how to deal with a business that refused to follow the law and not communicate with us directly and a business (our mortgage company) that would not explain what was happening.

30. The confusing communications from Home Point about our modification, refusals to respond to us about the modification to explain and also direct communications with us despite being represented by counsel added to marital problems since Josh was responsible most of the communications with them. I would get upset and frustrated with him and he would be stressed about the situation and wouldn't want to talk about it. He would sometimes try to comfort me even though I could tell he was scared and didn't know what to do. He would then go away to be alone, which would sometimes lead to arguments, especially after he got off the phone with them and still couldn't really tell me what was going on. I blamed him even though I know that was unfair. He would not like this and it would lead to arguments and more marital stress.

31. We had repeated arguments about being in the mess and not being able to get a clear answer as to the modification, whether we would lose our house and what was happening. I would ask things like, have you called them again or why can't you get this worked out or get an answer or did you send them the papers. He was frustrated because he didn't feel like he did anything wrong, but since I was scared and stressed, I would stay on him and we would stay in this cycle.

32. This has also led to distrust with each other over financial matters and the house.

33. Josh also got to where he would lose his temper and get loud and argumentative though he's normally calm and not loud. When he would get loud, after dealing with Home Point or reading another confusing or threatening letter from them, I knew there was something wrong and he was under a lot of stress.

34. I remember one incident in particular where he got angry and threw the remote on New Year's Eve 2019 in response to something that normally would not have upset. This was unlike him. I recall the stress of this situation causing outbursts from him about small things that would make him mad resulting in him getting loud and sometimes yelling. This was not his behavior before December 2018.

35. I recall observing this same conduct related to stress, anxiety and worry after we received the Summer 2019 letter directly from Home Point instead of through

our lawyers that demanded payment even though Home Point knew we were represented by counsel.

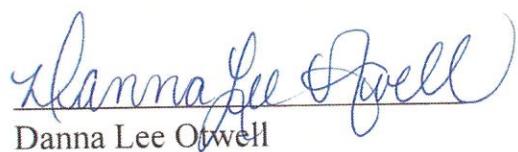
36. I remember this and other communications with Home Point directly bothering him, making him angry and Josh asking why they were sending this to us when they knew we had an attorney.

37. Dealing with Home Point and not being able to get a clear understanding of the situation, not being able to get it handled and the constant direct communications through letters, door hangers that advertised to the world our problems with Home Point and the newspaper foreclosure add was extremely embarrassing to Josh. I would sometimes send him a picture of these things and Josh would say we've done what we're supposed to do, but nothing is working. Josh was mortified and embarrassed and he did not want to show his face in the neighborhood. Josh did not want to hang out with friends and avoided making plans with our neighbors because he was too embarrassed about the ongoing issues with Home Point.

38. Josh quit hanging out in front yard and visiting with neighbors. I noticed that when he would pull into driveway he would go straight into the house, which was a change for him to pull back from friends and neighbors because he was generally a lot more social me.

39. When dealing with Home Point starting in December 2018 until we knew the foreclosure was stopped when we filed the lawsuit, the stress, confusion, anxiety,

worry and embarrassment from Home Point's confusing communications, refusals to communicate, threatening letters and refusal to communicate with our lawyers changed Josh. I could see it in the way he carried himself and interacted, or didn't, with our family. He would walk in hanging his head, acted ashamed of himself but would try to hide it and grew depressed, was distant at times and angry at other times.



Danna Lee Otwell

STATE OF ALABAMA)
COUNTY OF Jefferson)

On this day, Danna Lee Otwell appeared before me, the undersigned notary public. After I administered an oath to him, upon his oath, he said that he read the foregoing and that the facts stated in it are within his personal knowledge and are true and correct.

SWORN TO and SUBSCRIBED before me on this 15th day of March
2021.



Telesa Darlene Hearn
Notary Public

My Commission Expires:

